



Telecommunications for the Deaf and Hard of Hearing, Inc.
8630 Fenton Street, Suite 604, Silver Spring, MD 20910-3822
Phone: 301-589-3786; Video/TTY: 301-589-3006; Fax: 301-589-3797
VP-200: 301-563-9112, Z20: 240-345-9423
Email: Info@tdi-online.org; Web: www.tdi-online.org

June 19, 2012

Chairman Julius Genachowski
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services; CG Docket No. 08-15

Dear Chairman Genachowski and Commissioners:

On behalf of Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), I write to urge the Commission to take action on the *Notice of Proposed Rulemaking* regarding speech-to-speech relay (“STS”) in the above-captioned proceeding that has been pending for nearly four years.¹ The issues raised in the *NPRM* are ripe for Commission action.

The joint comments and reply comments filed by TDI along with Speech Communications Assistance by Telephone, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, and California Coalition of Agencies Serving the Deaf and Hard of Hearing and Hearing Loss Association of America (collectively, the “Consumer Groups”) commended the Commission for

¹ See *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 *et al.*, *Notice of Proposed Rulemaking*, FCC 08-149 (rel. June 24, 2008) (“*NPRM*”). Comments were due on or before September 12, 2008, and reply comments were due on or before September 29, 2008.

adopting the *NPRM*. Now it is time for the Commission to act on that *NPRM* and ensure that those individuals with disabilities affecting their speech can access the telephone system using STS. As you know, STS allows a person who has difficulty speaking or being understood on the telephone to communicate using his or her own voice or voice synthesizer.² An STS communication assistant (“CA”) re-voices the words of the person with a speech disability so the person on the other end of the phone call can understand them. Since many deaf or partially-deaf individuals communicate verbally, STS provides a vital communications service for these individuals as well.

The Consumer Groups estimate that only approximately one-third of those with a speech disorder - or nearly 1 million Americans - have the requisite hearing, cognitive, and social skills to use STS. The number of people who can benefit from STS and IP STS is far greater when other populations are considered, such as people who are hard of hearing or deaf whose speech is not readily understood. There is also a “rolling population” of people recovering from stroke and brain injury that may need to use STS or IP STS for a few months until their speech is improved. Traditional outreach methods may not work because potential users do not know each other and are not available in groups, thereby making the spreading of information through word-of-mouth or group training ineffective. Many potential STS and IP STS users have never used the telephone and may have a reluctance to try, out of a fear of failure and rejection. Given all of this, the Commission must ensure that STS and IP STS and their providers are fully funded and made accessible to those individuals who need it.

To that end, as set forth in the Consumer Groups’ TRS Policy Statement, all forms of TRS must receive the necessary and appropriate attention and support from the Commission in order to function as reliable, state-of-the-art choices for an interoperable dual-party relay service for every American, with or without a hearing or speech disability, regardless of the technology and communication modality used.³ TRS users must be given full control of their calls, whether originated or received, and must have as full an array of options and features available through TRS just as a person with no hearing or speech disability.⁴ Resolution of the issues raised in the STS *NPRM* would be consistent with these goals.

The record shows overwhelming support for: (1) the Commission to require an STS CAs to remain on a call for a minimum of 20 minutes; (2) STS providers to offer the STS user the option to have his or her voice muted so that the user’s voice is not heard by the recipient of the call; (3) STS users to be informed of the confidentiality requirement; (4) in instances when an STS user is silent but does not say “goodbye,” requiring a CA to wait until at least 60 seconds have passed before disconnecting either party from a call (5) IP STS to be a form of TRS

² Attached hereto are copies of the Comments and Reply Comments filed by the Consumer Groups.

³ See *Consumer Groups’ TRS Policy Statement - Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act* (April 12, 2011), filed as an attachment to Letter from Tamar E. Finn *et al.*, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 (dated April 12, 2011).

⁴ *Id.*

compensable from the Interstate TRS Fund; (6) IP STS to be compensated at the same per-minute rate as STS; (7) substantially improve outreach efforts with respect to STS; and (8) training new STS users so that they can easily use STS.

Moreover, the Commission should also encourage the use of prompts and selections at interactive menus when dialing 711 to reach an STS CA, rather than requiring the STS caller to hang up and re-dial another number, or work through a long menu. The Consumer Groups also strongly support the establishment of emergency call handling procedures for IP STS that are generally the same as the procedures established for other forms of Internet-based TRS including mandatory address registration and assignment of 10-digit NANP numbers.

Lastly, the Commission has the authority to impose outreach standards on the states pursuant to Sections 225(d)(1)(A) and (B) of the Communications Act. To the extent there are states that do not have the resources or otherwise do not wish to administer state STS programs due to the relatively small number of potential STS users, the Commission has the authority under Section 225(f)(4) of the Communication Act to administer STS programs within those states "to ensure the continuity of telecommunications relay services."

TDI respectfully requests that the Commission take action on the *NPRM* as soon as possible to ensure that those individuals with disabilities affecting their speech can access the telephone system using speech-to-speech relay.

Respectfully submitted,

/s/

Claude L. Stout
Executive Director
Telecommunications for the Deaf and Hard of
Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910
(301) 589-3786

Sheri A. Farinha
Chief Executive Officer
California Coalition of Agencies Serving the
Deaf and Hard of Hearing, Inc.
4708 Roseville Rd, Ste 111
North Highlands, CA 95670

Andrew Phillips
Policy Attorney
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer
Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22030

Brenda Estes
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane
Rockford, IL 61107

Bob Segalman, Ph.D., Sc.D. (Hon.),
President
Speech Communications Assistance by
Telephone, Inc.
515 P Street, #403
Sacramento, CA 95814

Brenda Battat
President
Hearing Loss Association of America
7910 Woodmont Ave., Suite 1200
Bethesda, MD 20814

cc (via e-mail): Sherrese Smith
 Christine Kurth
 Angela Kronenberg
 Priscilla Delgado Argeris
 Nicholas Degani

Consumer Groups Comments filed September 12, 2008

Before the
Federal Communications Commission
Washington, D.C. 20554

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with Hearing and Speech Disabilities)	
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Speech-to-Speech and Internet Protocol (IP))	CG Docket No. 08-15
Speech-to-Speech Telecommunications Relay)	
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**COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF AND HARD OF HEARING, INC.;
SPEECH COMMUNICATIONS ASSISTANCE BY TELEPHONE, INC.;
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NATIONAL ASSOCIATION OF THE DEAF;
DEAF AND HARD OF HEARING CONSUMER ADVOCACY NETWORK;
CALIFORNIA COALITION OF AGENCIES SERVING
THE DEAF AND HARD OF HEARING; AND
HEARING LOSS ASSOCIATION OF AMERICA**

Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”), Speech Communications Assistance by Telephone, Inc. (“SCT”), Association of Late-Deafened Adults, Inc. (“ALDA”), National Association of the Deaf (“NAD”), Deaf and Hard of Hearing Consumer Advocacy Network (“DHHCAN”), California Coalition of Agencies Serving the Deaf and Hard of Hearing (“CCASDHH”) and Hearing Loss Association of America (“HLAA”) (collectively, the “Consumer Groups”), hereby submits their comments in response to the Commission’s *Notice of Proposed Rulemaking* in the above-captioned proceeding.¹

¹ See *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 *et al.*, *Notice of Proposed Rulemaking*, FCC 08-149 (rel. June 24, 2008) (“NPRM”).

With the *NPRM*, the Commission has taken an important next step towards assuring that those individuals with disabilities affecting their speech can access the telephone system. As the Commission is well aware, speech-to-speech relay (“STS”) allows a person who has difficulty speaking or being understood on the telephone to communicate using his or her own voice or voice synthesizer. An STS communication assistant (“CA”) re-voices the words of the person with a speech disability so the person on the other end of the phone call can understand them. Since many deaf or partially-deaf individuals communicate verbally, STS provides a vital communications service for these individuals as well. The Consumer Groups therefore commend the Commission for initiating this proceeding and look forward to working with the Commission staff to address any concerns that may be raised in response to the *NPRM*.

I. STS ISSUES

A. Miscellaneous Issues

Time of the Call. The Consumer Groups agree with the Commission’s tentative conclusion to require an STS CA to remain on a call for a minimum of 20 minutes, rather than the present minimum of 15 minutes.² For individuals who use STS regularly, the period to adjust to and develop an effective communication with a new CA can very often take over 10 minutes. This is particularly true when users alternate between voice and a talking PC in determining which medium is more effective. Requiring an STS CA to remain on the call for at least 20 minutes will serve to provide more efficient and effective communications. As to when the 20 minute “clock” should begin, the Consumer Groups submit that effective communication begins when the CA can understand the user sufficiently so that the user can complete the call to satisfactorily.

² *Id.* at ¶ 14.

Muting of the Voice. STS providers should also be required to offer the STS user the option of having her or his voice muted so that the other party to the call hears only the STS CA re-voicing the call, and not the voice of the STS user as well.³ This practice would encourage many more people with speech disabilities to use STS who are not already doing so, as some potential users may be embarrassed by how their speech sounds. As the Commission noted in the *NPRM*, many STS providers are already offering this option, and that many STS users prefer that their voice not be passed through to the other party to the call because it can be distracting and make the call flow less smoothly.⁴ Requiring that a user be given the option of voice muting would increase the number of STS users.

Confidentiality. STS operators should be required to inform users on every call that the information relayed on the call is confidential. Once a user has been informed one time, if the user does not wish to be informed on subsequent STS call, the user's preference can be noted in his or her profile.⁵

Retention of Information. STS callers should have the option to put in their profile that they do not want information retained between consecutive outbound calls and they do not want CAs to make any written notes. This option will allow STS users maximum privacy if they want it, while continuing to enable other users to store difficult to pronounce information.

Silence on the Line. The Commission should also require that when an STS caller is silent but does not say "good-bye," the CA cannot disconnect from either party until at least 60 seconds has passed. This will ensure that calls will not be prematurely disconnected for those

³ *Id.* at ¶ 16

⁴ *Id.* at ¶ 16.

⁵ This requirement should apply to users with or without speech disabilities.

individuals with cognitive and dexterity disabilities problems whose conversations include prolonged instances of silence.

B. STS 711 Issues

STS users should have easy access to STS through 711. As the Commission set forth in its *Second Improved TRS Order*, “we require that all TRS providers successfully implement 711 dialing access for STS users.”⁶ The Consumer Groups submit that the method chosen by STS providers to comply with the *Second Improved TRS Order* is less of significance, then the need to comply. In fact, in the Consumer Group’s experience, compliance with the *Second Improved TRS Order* is spotty at best. To increase compliance, the Commission could simply require that a menu be added to the 711 greeting providing the STS user the option, for example, to “press 1 for Speech-to-Speech.” Since some STS users have cognitive problems and cannot activate a 10 digit number, while others have limited dexterity and difficulty dialing, simply pressing one button will ensure that STS will be used by more people who need the service.

With the proper outreach procedures, there could eventually be 500,000 STS users in the United States, *all* of whom deserve easy access to STS. Requiring only STS users to specifically request STS detracts from the functional equivalency of STS as compared with TTY relay, also offered through 711.

STS providers must ensure that all STS users fully understand that they have the opportunity to have their telephone numbers configured for STS and to complete an STS profile, that would include the default provider selected by each user. Using a profile will greatly increase ease of access to STS and ensure appropriate call handling. Each provider must also

⁶ *Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, 18 FCC Rcd 12379 (June 17, 2003) (“*Second Improved TRS Order*”).

customize the Caller Profile form for STS users by including all relevant information the STS user believes will be helpful to the CA and beneficial to the STS user or the party being called. STS providers could have the option to limit this profile to 100 words or less. Thus, when a user with a profile and configured STS number makes or receives an STS call, all relevant information will appear on the CA's screen. The form should be simple to fill out, and it should be possible to send it in a variety of ways (either through the CA or email, fax, directly online, U.S Postal Service, etc.)

II. IP STS ISSUES

Form of TRS. The Consumer Groups agree with the majority of the conclusions set forth in the *NPRM* regarding IP STS. In particular, the Consumer Groups agree that IP STS is a form of TRS compensable from the Interstate TRS Fund because it is an extension of STS that gives persons with speech disabilities an alternative way to initiate an STS call and reach a CA.⁷ Because IP STS allows persons with disabilities to use a computer, or other electronic device connected to the Internet, to initiate a call and speak with the CA, IP STS utilizes features from both the STS and IP Relay services that the Commission has already deemed as forms of TRS. Thus, the Consumer Groups agree with the Commission's conclusion that a service should be considered IP STS so long as it allows the STS user to connect to the CA via a computer or similar device and the Internet, rather than by making a traditional telephone call.⁸

Interstate TRS Fund. Consistent with the present treatment of the other Internet-based forms of TRS (*e.g.*, VRS, IP Relay, and IP CTS), and since one link of the call is made via the Internet, it is generally not possible to determine whether a particular call is interstate or

⁷ *NPRM* at ¶ 18.

⁸ *Id.*

intrastate. The Consumer Groups therefore agree that all IP STS calls should be compensated from the Fund if provided in compliance with the Commission's rules.⁹

Compensation Rate. The Consumer Groups disagree however, with the Commission's tentative conclusion that IP STS should be compensated at the same per-minute rate as STS,¹⁰ unless additional and adequate outreach funds are provided. The reimbursement rate for IP STS, if recognized as a service eligible for compensation from the Interstate TRS Fund, should be determined by what efforts the providers must make to ensure that the service is useful to consumers and that a significant proportion of prospective users have an opportunity to learn to use the service. As discussed below, for IP STS to be effective, the reimbursement rate must be high enough to give providers the incentive to identify and reach users from a small population.

III. OTHER STS AND IP STS ISSUES

A. Outreach and Compensation

The Consumer Groups are concerned that outreach efforts with respect to STS have not been adequate to identify and reach potential STS users. The Consumer Groups therefore suggest that states be required to provide STS users adequate information regarding the availability of STS. Since STS was established in an effort to provide effective telecommunications services to Americans with speech disabilities, these important services cannot be effective if consumers do not know that they exist.

The Consumer Groups are pleased that the FCC is continuing to provide for STS outreach by establishing a \$2.7248 per minute rate for interstate STS. From the perspective of interstate calls, the providers are now receiving adequate financial incentive to identify and train

⁹ *Id.* at ¶ 19.

¹⁰ *Id.* at ¶ 20.

many potential STS users who do not know that STS exists. The Consumer Groups urge that the Commission continue with that high rate for interstate STS on an ongoing basis.

However, the MARS rate is not adequate to generate the necessary STS outreach because the providers would have no funds and hence no financial incentive to perform STS outreach. In other words, the MARS rate is insufficient to fund both STS and the marketing necessary for widespread outreach. The Consumer Groups therefore recommend that both intrastate and interstate rates be set high enough to provide the necessary funds for STS providers to engage in outreach and education. Such higher rates are also important since, as discussed below, intensive consumer training will also be needed.

As far as the Consumer Groups are aware, there is no known successful STS outreach method to reach consumers in large numbers. The Consumer Groups therefore suggest that the Commission establish an STS Advisory Council and work to ensure that each potential user of STS nationwide will be identified and trained. The STS Advisory Council can, among other things, develop national short and long range plans that will increase consumer awareness and education.

B. Consumer Training

Unlike the adoption of VRS by the disability community where deaf consumers transferred telephone skills (both social skills and technical skills) from previous relay experience, many new IP STS users will not have used the telephone. The ability to learn to use IP STS will therefore require a significant lifestyle change. The Commission should require that, where needed, home visits be made by qualified speech language pathologists (“SLPs”) to enable new IP STS users to internalize the social and psychological lifestyle changes that are necessary to use IP STS. As individuals with speech disabilities often have social and psychological

barriers to telecommunications, it is unlikely that individuals with speech disabilities will use STS without the home visits by SLPs to overcome these social and psychological barriers.

In the Consumer Groups' experience, there has generally been a lack of long-term use resulting from brief customer introductions to STS as compared with greater success from multiple home visits by an SLP. For this reason, the Consumer Groups strongly recommend that STS outreach be funded to allow 3-10 home visits. Building such a cost into the STS reimbursement rate would not cause it to exceed the current VRS reimbursement rate. VRS users need such expenses for interpreter services, and STS users need the expense for training. Consumer training not only benefits STS users, but it benefits the general public by making it possible to interact over the telephone in a meaningful way with people who have speech disabilities. Moreover, even with the proposed 3-10 home visits, new STS users' exposure time to STS would still be less than the average citizen's lifetime exposure time to general telephone advertising.

As part and parcel with adequate outreach and STS user training, STS and IP STS compensation rates should be sufficient so that CAs can be paid adequately enough to establish a career path for the CA - just as video relay interpreters are compensated. Since video relay users have the ability to receive service from interpreters who have the motivation to provide good service (because of adequate compensation and a career path), so too should STS users have that same ability. STS and IP STS compensation rates should also be sufficient so that Supervisors and CAs can receive regular training from qualified SLPs in order that they have a thorough understanding of the physiology of STS users. This would result in a much higher quality of STS service than currently exists and would help curtail users from abandoning STS due to what they perceive to be sub par CAs.

C. Nationwide Provision of STS

The Consumer Groups submit that IP STS should be administered nationwide in a manner similar to VRS with the marketplace determining the number of providers. A nationwide IP STS service is reasonable given the small number of potential users. Indeed, when the number of potential users (approximately 500,000 to 1,000,000 for STS and IP STS combined) is divided among the states, some states would have fewer than 500 potential users.

Because IP STS calls cannot be jurisdictionalized between interstate and intrastate, the Commission has ample authority to mandate a nationwide approach and encourage competitive providers. Moreover, to the extent there are states that do not have the resources or otherwise do not wish to administer state STS programs due to there being only a limited number of potential STS users, the Commission has the authority under Section 225 of the Act to administer STS programs within those states.

The Consumer Groups submit that the Commission's rules ought to encourage competitive STS and IP STS providers. Competition encourages innovation and will result in a greater variety of services and better quality service. We have already seen the benefits of competition in the case of VRS, and the Consumer Groups encourage competitive STS and IP STS providers.

IV. CONCLUSION

The Consumer Groups estimate that only approximately one-third of those with a speech disorder - or nearly 1 million Americans - have the requisite hearing, cognitive, and social skills to use STS. The number of people who can benefit from STS and IP STS is far greater when other populations are considered, such as people who are hard of hearing or deaf whose speech is not readily understood. There is also a "rolling population" of people recovering from stroke and brain injury who may need to use STS or IP STS for a few months until their speech is improved.

Traditional outreach methods may not work because potential users do not know each other and are not available in groups, thereby making the spreading information through word-of-mouth or group training ineffective. Many potential STS and IP STS users have never used the telephone and may have a reluctance to try, out of a fear of failure and the experience of rejection. Given all of this, the Commission must take the lead to ensure that STS and IP STS and their providers are fully funded and made accessible to those individuals who need it.

Respectfully submitted,

Bob Segalman, Ph.D., Sc.D. (Hon.),
President, Speech Communications Assistance
by Telephone, Inc.
515 P Street, #403
Sacramento, CA 95814

Paul Gagnier
Eliot Greenwald
Nguyen Vu
BINGHAM MCCUTCHEN LLP
2020 K Street, NW
Washington, DC 20006
Counsel to Telecommunications for the Deaf
and Hard of Hearing, Inc.

Nancy J. Bloch
Chief Executive Officer
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Claude L. Stout
Executive Director
Telecommunications for the Deaf and Hard of
Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910
(301) 589-3786

Edward Kelly
Chair
California Coalition of Agencies Serving the
Deaf and Hard of Hearing, Inc.
6022 Cerritos Avenue
Cypress, CA 90630

Christine Seymour
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane
Rockford, IL 61107

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer

Brenda Battat
President
Hearing Loss Association of America

Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22030

7910 Woodmont Ave., Suite 1200
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September 29, 2008

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EXECUTIVE SUMMARY

The record submitted in response to the Commission's *NPRM* shows overwhelming support for: (1) the Commission to require an STS CA to remain on a call for a minimum of 20 minutes; (2) STS providers to offer the STS user the option to have his or her voice muted so that the user's voice is not heard by the recipient of the call; (3) STS users to be informed of the confidentiality requirement; (4) instances when an STS user is silent but does not say "good-bye," the CA cannot disconnect from either party until at least 60 seconds has passed; (5) IP STS to be a form of TRS compensable from the Interstate TRS Fund because it is an extension of STS that gives persons with speech disabilities an alternative way to initiate an STS call and reach an STS CA; (6) IP STS to be compensated at the same per-minute rate as STS; (7) substantially improve outreach efforts with respect to STS, which to date have not been adequate to identify and reach potential STS users; and (8) new STS users to receive the proper training so that they can easily use STS.

Contrary to what some commenting parties would have the Commission believe, since the period to adjust to and develop effective communications with a new CA can very often take over 10 minutes, the Commission should find that effective communications should begin when the CA can understand the user sufficiently so that the user can complete the call satisfactorily. In this regard, the Consumer Groups recommend that, due to the unique call set-up needs to establish effective communications, reimbursement should be based on total session minutes and should not be limited to conversation minutes.

As the record before the Commission dictates, the Commission should also encourage the use of prompts and selections at interactive menus when dialing 711 to reach an STS CA, rather than requiring the STS caller to hang up and re-dial another number, or work through a long

menu. As recommended by a number of commenters, the Commission should therefore require that, when a 711 call connects to a prerecorded message with menu options, the 711 greeting provide the STS user with an easy option, for example, to “press 1 for Speech-to-Speech.”

The Consumer Groups also strongly support the establishment of emergency call handling procedures for IP STS that are generally the same as the procedures established for other forms of Internet-based TRS including mandatory address registration and assignment of 10-digit NANP numbers.

Lastly, the Commission has the authority to impose outreach standards on the states pursuant to Sections 225(d)(1)(A) and (B) of the Communications Act. To the extent there are states that do not have the resources or otherwise do not wish to administer state STS programs due to the relatively small number of potential STS users, the Commission has the authority under Section 225(f)(4) of the Communication Act to administer STS programs within those states “to ensure the continuity of telecommunications relay services.”

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¹ See *Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123 *et al.*, *Notice of Proposed Rulemaking*, FCC 08-149 (rel. June 24, 2008) (“NPRM”).

I. INTRODUCTION

At the outset, the Commission must note the overwhelming support among those commenting for the Commission's tentative conclusions that: (1) the Commission require an STS CA to remain on a call for a minimum of 20 minutes;² (2) STS providers offer the STS user the option to have his or her voice muted so that the user's voice is not heard by the recipient of the call;³ (3) STS users should be informed of the confidentiality requirement;⁴ (4) when an STS user is silent but does not say "good-bye," the CA cannot disconnect from either party until at least 60 seconds has passed;⁵ (5) IP STS is a form of TRS compensable from the Interstate TRS Fund because it is an extension of STS that gives persons with speech disabilities an alternative way to initiate an STS call and reach an STS CA;⁶ (6) IP STS should be compensated at the same

² See, e.g., Comments of the Consumer Groups, CG Docket Nos. 03-123, 08-15, at 2-3 (filed Sept. 12, 2008) ("Consumer Groups Comments"); Comments of the American Association of People with Disabilities, CG Docket Nos. 03-123, 08-15, at 3-4 (filed Sept. 12, 2008) ("AAPD Comments"); Comments of Hamilton Relay, Inc., CG Docket Nos. 03-123, 08-15, at 2 (filed Sept. 12, 2008) ("Hamilton Relay Comments").

³ See, e.g., Consumer Groups Comments at 3; AAPD Comments at 4; Comments of AT&T, Inc., CG Docket Nos. 03-123, 08-15, at 3-4 (filed Sept. 12, 2008) ("AT&T Comments"); Hamilton Relay Comments at 2.

⁴ See, e.g., Consumer Group Comments at 3; Comments of the Center for People with Disabilities, CG Docket Nos. 03-123, 08-15, at 1 (filed Sept. 12, 2008) ("CPWD Comments"); Comments of the Indianapolis Resource Center for Independent Living, CG Docket Nos. 03-123, 08-15, at 1 (filed Sept. 12, 2008) ("IRCIL Comments"); Comments of Services for Independent Living, Columbia, Missouri, CG Docket Nos. 03-123, 08-15, at 1 (filed Sept. 12, 2008) ("SILCM Comments"); Comments of Walton Options for Independent Living, CG Docket Nos. 03-123, 08-15, at 1 (filed Sept. 12, 2008) ("WOIL Comments").

⁵ See, e.g., Consumer Groups Comments at 4; AAPD Comments at 5. The Consumer Groups also recommend that when calling an STS or STS IP user, the CA should allow 12 rings, as many STS users are likely to have mobility impairments which delay answering the telephone.

⁶ See, e.g., Consumer Groups Comments at 6-7; Comments of GoAmerica, Inc. CG Docket Nos. 03-123, 08-15, at 2-5 (filed Sept. 12, 2008) ("GoAmerica Comments"); Hamilton Relay Comments at 3-4; Comments of Sprint Nextel Corp., CG Docket Nos. 03-123, 08-15, at 3-4 (filed Sept. 12, 2008) ("Sprint Nextel Comments").

per-minute rate as STS;⁷ (7) current outreach efforts with respect to STS have not been adequate to identify and reach potential STS users;⁸ and (8) new STS users require proper training so that they can easily use STS.⁹ Furthermore, the record demonstrates overwhelming opposition to the administration of a single nationwide STS provider because competition serves to improve service and innovation to the public.¹⁰

The Consumer Groups take this opportunity to reply specifically to various statements submitted in the comments:

II. TIME ON THE CALL

It was widely recognized among commenters that the Commission should adopt its tentative conclusion to require an STS CA to remain on a call for a minimum of 20 minutes, rather than the present minimum of 15 minutes.¹¹

As the AAPD indicated, “there are many persons whose speech disability manifests as needing considerably more time to talk than the average person due to the nature of their speech and/or other disabilities.”¹² In addition, AT&T aptly noted that because speech patterns can vary widely among STS users, “it generally takes several minutes for a CA to understand the speech patterns of a particular STS user and even longer if the STS user must spell out words for the CA

⁷ See, e.g., Consumer Groups Comments at 6-7; Hamilton Relay Comments at 3-4.

⁸ See, e.g., Consumer Groups Comments at 7-8; AAPD Comments at 3; CPWD Comments at 1; IRCIL Comments at 1; SILCM Comments at 1; WOIL Comments at 1.

⁹ See, e.g., Consumer Groups Comments at 8-9; CPWD Comments at 1; IRCIL Comments at 1; SILCM Comments at 1; WOIL Comments at 1.

¹⁰ See, e.g., Consumer Groups Comments at 9-10; GoAmerica Comments at 10-11; Hamilton Relay Comments at 4-5; CPWD Comments at 1; IRCIL Comments at 1; SILCM Comments at 1; WOIL Comments at 1.

¹¹ See, e.g., Consumer Groups Comments at 3; AAPD Comments at 4; AT&T Comments at 3-4; Hamilton Relay Comments at 2.

¹² AAPD Comments at 3-4.

or is particularly difficult to understand.”¹³ Thus, in these instances, “very little time remains for the conversation with the called party before a CA can technically transfer the call to another CA, who may require a short time to adjust to the STS user’s speech patterns to ensure effective communication.”¹⁴

Contrary to what GoAmerica would have the Commission believe, implementing a minimum time period 5 minutes longer than the current minimum time period will not “engender unnecessary conflict and complaints.”¹⁵ To the contrary, “extending the minimum ‘stay’ time by five minutes is an effective way to reduce the potential for call disruption and will make STS calls more functionally equivalent to voice telephone calls.”¹⁶ Indeed, “most CAs stay on a STS call for much longer than 15 minutes and that adding five more minutes to the mandatory stay period will have minimal impact on the CAs [*sic*] fatigue level.”¹⁷

III. DETERMINATION OF “EFFECTIVE COMMUNICATION”

Sprint Nextel mistakenly believes that the only objective standard for defining when “effective communication” between the STS caller and the CA begins to run is “when the call reaches the CA and the caller begins to provide call set-up information, *e.g.*, the number to be dialed, to the CA.”¹⁸ The Commission cannot draw such an arbitrary distinction as to when effective communication begins, as suggested by Sprint Nextel. As discussed above, and as the Consumer Groups made clear in their comments, the period to adjust to and develop effective

¹³ AT&T Comments at 2.

¹⁴ *Id.*

¹⁵ GoAmerica Comments at 7.

¹⁶ AT&T Comments at 2-3.

¹⁷ *Id.* at 3 n.3.

¹⁸ Sprint Nextel Comments at 2.

communication with a new CA can take over 10 minutes.¹⁹ Effective communication is achieved when the CA can understand the user sufficiently so that the user can complete the call satisfactorily.²⁰

The Consumer Groups were hardly alone in noting that an STS call should not commence until there is “effective” communication between the STS user and the CA. Indeed, the AAPD agreed with the Consumer Groups that it can take persons with speech disabilities “a good 10 minutes to develop effective communication, particularly if they are using Alternative and Augmentative Communication (AAC) devices or other ‘talking devices.’”²¹ The AAPD further noted that “there are many persons whose speech disability manifests as needing considerably more time to talk than the average person due to the nature of their speech and/or other disabilities.”²²

Therefore, for reasons advanced by the AAPD, the Consumer Groups agree that the Commission should make clear that effective communication begins “when the STS user and the STS CA have reached a point where both sides understand it is an STS-type relay call and they have established what protocols they will use to complete the call.”²³ As further suggested by the AAPD, “[t]hese protocols will involve establishing how the call will transpire as determined by the user of the STS form of relay. This may include allowing the STS user to proceed verbally if the receiver of the call understands what the person with the speech disability is

¹⁹ Consumer Groups Comments at 2-3.

²⁰ *Id.*

²¹ AAPD Comments at 4.

²² *Id.*

²³ *Id.*

saying, rather than the CA voicing at all times what the person with a speech disability is saying (this requires sensitive listening skills on the part of the CA).”²⁴

Sprint Nextel should not confuse timing when the call begins for the purpose of the 20 minute rule for staying with the call, and measuring the time spent by the CA for the purpose of compensation from the TRS Fund. Because the CA must spend 10 minutes or longer with the person with speech disabilities prior to the commencement of effective communications, it is entirely appropriate for the STS or IP STS provider to be compensated for the entire time spent by the CA. Thus, the STS and IP STS providers should be compensated for the time the CA spends setting up the call in addition to the time on the call. Otherwise TRS providers and their CAs would have a perverse incentive to make the set up portion of the call as short as possible, thereby undermining the need for the CA to work with the speech-disabled person to establish effective communications prior to the start of the call. Rather, the Commission should ensure that STS providers and CAs have the proper incentive to work with the STS user with speech disabilities to truly establish effective communications. Thus the Consumer Groups recommend that, due to the unique call set-up needs associated with STS and IP STS, reimbursement for IP STS and interstate STS should be based on total session minutes and should not be limited to conversation minutes.

Furthermore, although the FCC cannot mandate rate methodologies on states, Section 225(d)(1) of the Communications Act of 1934, as amended (the “Act”), directs the Commission to prescribe regulations that “(A) establish functional requirements, guidelines and operations procedures for telecommunications relay services; [and] (B) establish minimum standards that shall be met in carrying out subsection (c). . . .” Subsection 225(c) requires each common carrier

²⁴ *Id.*

of telephone voice transmission services to provide intrastate and interstate TRS. In other words, pursuant to Section 225(d)(1) of the Act, the Commission can impose minimum standards on the states as part of the Commission's mandate to establish procedures and standards for TRS, including STS. Since the Commission is obligated under Sections 225(d)(1)(A) and (B) of the Act to ensure that STS is provided in a functionally equivalent manner as traditional voice communications, in order to ensure such functional equivalency, the Commission can require that any compensation methodology implemented by the states includes the costs of establishing effective communications.

IV. 711 ISSUES

AT&T reported that it “has not experienced substantial complaints that consumers dialing 711 have been disconnected while attempting to reach an STS CA.”²⁵ Although AT&T's comment may be accurate, the lack of complaints stems simply from the fact that few STS users know that they have a right to use 711! As many commenters noted, more people with speech disabilities need to be informed about STS and trained to use STS.²⁶ This includes providing information about the use of 711 with STS. Simple logic dictates that if most STS users are unaware that they can use 711, they will not complain about being disconnected while attempting to reach an STS CA via 711.

Moreover, as the AAPD made clear, there remain problems concerning 711 dialing to reach STS CAs for speech disabled persons attempting to reach a relay service center and make an STS call by dialing 711.²⁷ The Consumer Groups agree with AAPD's understanding of 711

²⁵ AT&T Comments at 4.

²⁶ *See, e.g.,* Consumer Groups Comments at 8-9; CPWD Comments at 1; IRCIL Comments at 1; SILCM Comments at 1; WOIL Comments at 1.

²⁷ AAPD Comments at 4.

service; that it “should be a means to directly reach an STS CA and the expectation would be that there is a menu reached when dialing 711 so that the speech disabled person or the person wishing to call a speech-disabled person would reach an STS CA easily.”²⁸ Thus, as the record before the Commission dictates, the Commission should encourage the use of prompts and selections on ~~at~~ interactive menus when dialing 711 to reach an STS CA, rather than having to hang up and re-dial another number, or work through a long menu.²⁹ This menu should also address any accessibility issues for those STS users who have cognitive problems and cannot activate a 10 digit number, and others who have limited dexterity and difficulty dialing.³⁰ The Commission should therefore require that, when a 711 call connects to a prerecorded message with menu options, the 711 greeting provide the STS user with an easy option, for example, to “press 1 for Speech-to-Speech.”³¹

Even though 711 access was required for STS users years ago, the Consumer Groups are aware of at least one provider that still has not set up to identify calls going to branded STS users. This means that if callers to an STS user do not know or remember to tell the 711 CA that the called party is an STS user, the call is not routed to a STS CA. When a 711 call is answered by a non-STS CA who has difficulty understanding an STS user with a speech disability the non-STS CA will oftentimes not wait for the STS user to get his or her speech generating device. Instead, the 711 CA proceeds to use the TTY without receiving *any* input from the STS user. When that happens, the STS user will never receive the call. Unfortunately, at least one STS user has this scenario at least once a week. If providers were to simply follow the mandate to

²⁸ *Id.* at 5.

²⁹ Consumer Groups Comments at 4-5; AAPD Comments at 5; Sprint Nextel Comments at 3.

³⁰ Consumer Groups Comments at 5.

³¹ Consumer Groups Comments at 5; AAPD Comments at 5.

make 711 dialing STS accessible for both inbound and outbound calls this problem would be eliminated, provided that all STS users are educated to brand their telephone numbers.

V. REGISTRATION AND ASSIGNMENT OF 10-DIGIT NANP NUMBERS WILL FACILITATE EMERGENCY CALL HANDLING FOR STS USERS

In its comments, GoAmerica states that “emergency call handling rules for IP STS should generally mirror those of IP Relay.”³² Similarly, Hamilton Relay states that “the emergency call handling requirements for IP STS providers should be the same as those applicable to providers of other forms of IP-based relay service, given that all such providers face the same challenges in completing emergency calls in an Internet environment.”³³ The Consumer Groups strongly support the establishment of emergency call handling procedures for IP STS that are generally the same as the procedures established for other forms of Internet-based TRS. Prompt response to an emergency call can often mean the difference between life and death in a life-threatening situation, and having effective call handling procedures is a critical component of providing a prompt response.

GoAmerica also supports the provision of ten-digit North American Numbering Plan (NANP) telephone numbers to IP STS users to facilitate emergency call handling, but opposes mandatory registration.³⁴ However, as already discussed in their comments regarding numbering and emergency call handling for IP-based TRS,³⁵ the Consumer Groups consider it critical for the purpose of rapid and accurate emergency call handling that all Internet-based TRS users, including IP STS users, register their location and receive 10-digit NANP numbers. Optional registration is irresponsible because it is dangerous. Optional registration will unnecessarily and

³² GoAmerica Comments at 5.

³³ Hamilton Relay Comments at 4.

³⁴ *Id.*

³⁵ Consumer Groups Comments, Docket 03-123, August 8, 2008, at 6.

unacceptably delay the determination of the person's location and connection of the emergency call to the correct public safety answering point ("PSAP"). Therefore, the Consumer Groups disagree with GoAmerica on the issue of registration. As with other IP-based TRS services, standardized procedures must be adopted for handling IP STS 9-1-1 calls originating from a location other than a consumer's Registered Location to ensure that these calls are routed to the appropriate PSAP. Such standardized procedures will also make it easier to educate consumers.

Because it is important that IP STS users ultimately obtain the benefit of ten-digit numbering, including the benefits associated with 9-1-1 emergency calling, the Consumer Groups currently agree that the Commission may require IP STS providers to deny service (*other than emergency calls*) to unregistered users. However, because the registration process may require some time, unregistered and all new users who register with a default IP STS provider, provide their Registered Location, and apply for their new ten-digit NANP telephone numbers should be permitted to place IP STS relay calls immediately, at least on a temporary basis, e.g., through the assignment of a temporary "guest" or application number/identification system.

VI. THE FCC HAS THE AUTHORITY TO IMPOSE OUTREACH STANDARDS ON THE STATES

Section 225 of the Communications Act requires telecommunications relay services that are functionally equivalent to traditional voice telephone services be made available to the extent possible to individuals who are deaf, hard of hearing or speech-impaired. Sprint Nextel and others claim that there is no justification in the Communications Act for the FCC to impose outreach standards on the states.³⁶ Sprint Nextel further submits that outreach efforts to promote the increased use of intrastate STS services "are the responsibility of each state."³⁷ As the

³⁶ Sprint Nextel Comments at 5; GoAmerica Comments at 9.

³⁷ Sprint Nextel Comments at 5.

Consumer Groups made clear in their comments, to the extent there are states that do not have the resources or otherwise do not wish to administer state STS programs due to the relatively small number of potential STS users, the Commission has the authority under Section 225(f)(4) of the Act to administer STS programs within those states “to ensure the continuity of telecommunications relay services.”³⁸

Moreover, as discussed in Section III above, Section 225(d)(1) of the Act directs the Commission to prescribe regulations that “(A) establish functional requirements, guidelines and operations procedures for telecommunications relay services; [and] (B) establish minimum standards that shall be met in carrying out subsection (c). . . .” Subsection 225(c) requires each common carrier of telephone voice transmission services to provide intrastate and interstate TRS. In other words, pursuant to Section 225(d)(1) of the Act, the Commission can impose minimum outreach standards on the states as part of the Commission’s mandate to establish procedures and standards for TRS, including STS. If consumers with speech impairments are not made aware of the fact that STS is available to them, STS is not being made available to all speech-impaired individuals and thus the FCC is not fulfilling its mandate under Section 225.

³⁸ 47 U.S.C. § 225(f)(4); *see* Consumer Groups Comments at 10.

VII. CONCLUSION

The record submitted in response to the *NPRM* makes clear that the Commission should adopt the recommendations set forth herein, and in the Consumer Groups' comments.

Respectfully submitted,

/s/_____

Bob Segalman, Ph.D., Sc.D. (Hon.),
President
and
Rebecca Ladew
East Coast Liaison Representative,
Speech Communications Assistance by
Telephone, Inc.
515 P Street, #403
Sacramento, CA 95814

Paul Gagnier
Eliot Greenwald
Nguyen Vu
BINGHAM MCCUTCHEN LLP
2020 K Street, NW
Washington, DC 20006
Counsel to Telecommunications for the Deaf
and Hard of Hearing, Inc.

Nancy J. Bloch
Chief Executive Officer
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910

Claude L. Stout
Executive Director
Telecommunications for the Deaf and Hard of
Hearing, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910
(301) 589-3786

Sheri A. Farinha Vice Chair
California Coalition of Agencies Serving the
Deaf and Hard of Hearing, Inc.
4708 Roseville Rd, Ste 111
North Highlands, CA 95660

Christine Seymour
President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane
Rockford, IL 61107

Cheryl Heppner
Vice Chair
Deaf and Hard of Hearing Consumer
Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, VA 22030

Brenda Battat
Executive Director
Hearing Loss Association of America
7910 Woodmont Avenue, Suite 1200
Bethesda, MD 20814